

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

Case No. 5:23-CV-00745-M-BM

JOSE RODRIGUEZ,

Plaintiff,

v.

TRUDY WILLIAMS ROBERSON, in her  
individual and official capacity, and  
NORTH CAROLINA DEPARTMENT OF  
MOTOR VEHICLES,

Defendants.

ORDER

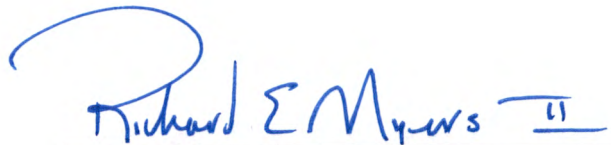
This matter comes before the court on a memorandum and recommendation (“M&R”) issued by the Honorable Brian S. Meyers, recommending that the court dismiss the Plaintiff’s claims for Plaintiff’s failure to plausibly allege this court’s subject matter jurisdiction over the entity Defendant and claims for relief against the individual Defendant. DE 21. Judge Meyers advised the parties that they must file any objections to the M&R, issued July 29, 2024, within fourteen (14) days after the M&R was served, or on or before August 12, 2024. *Id.* at 19-20. No objections have been filed.

A magistrate judge’s recommendation carries no presumptive weight. The court “may accept, reject, or modify, in whole or in part, the . . . recommendation[ ] . . . receive further evidence or recommit the matter to the magistrate judge with instructions.” 28 U.S.C. § 636(b)(1); *accord Mathews v. Weber*, 423 U.S. 261, 271 (1976). The court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* § 636(b)(1). Absent a specific and timely objection, the court reviews only for “clear

error” and need not give any explanation for adopting the recommendation. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Upon careful review of the thoroughly prepared M&R and the entire record presented, and finding no clear error, the court ADOPTS the recommendation of the magistrate judge as its own. For the reasons stated therein, Defendants’ motion to dismiss [DE 5] is GRANTED and Plaintiff’s claims against Ms. Roberson are DISMISSED and his claims against the North Carolina DMV are DISMISSED WITHOUT PREJUDICE. In light of this order, Plaintiff’s motion for entry of default [DE 10]<sup>1</sup> and motion for summary judgment [DE 11] are DENIED AS MOOT. The Clerk of Court is directed to close this case.

SO ORDERED this 21<sup>st</sup> day of August, 2024.



RICHARD E. MYERS II  
CHIEF UNITED STATES DISTRICT JUDGE

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<sup>1</sup> The court notes that, with the Defendants’ appearance and filing of the motion to dismiss on January 24, 2024, the court would find, otherwise, no basis on which to grant a motion for entry of default under Rule 55(a) of the Federal Rules of Civil Procedure.